

## Beverly Hills case blends free speech, public schools and cyber-bullying

### Assignment:

After you read the article, you may choose ONE partner to work with. Answer the following questions WITH COMPLETE SENTENCES AND DETAIL.

1. What is the story concerning?
2. Where did this occur?
3. When did this occur?
4. Who is involved in this story?

### ROLE PLAY:

1. You are the assistant principal of the school. What actions should you take and WHY? (This is a paragraph, describing your actions and how you support your reasoning.)
2. You are the parent of the student who posted the video. What actions should you take and why? (This is a paragraph, describing your actions and how you support your reasoning.)
3. You are the student who is the subject of the video. How do you feel and why? (This is a paragraph, describing your actions and how you support your reasoning.)
4. You are the student who posted the video. How do you feel and why? (This is a paragraph, describing your actions and how you support your reasoning.)

Save this assignment in your work folder in the Tech Monday-Tuesday Folder.

Save as BeverlyHills\_your\_names.

~~We will print this assignment.~~



~~RAISE YOUR HAND WHEN YOU ARE READY TO PRINT.~~

## Beverly Hills case blends free speech, public schools and cyber-bullying

**Middle school friends, talking off-campus, criticize a classmate. A video is posted on YouTube. Now the case is in federal court.**

By Victoria Kim, Los Angeles Times Staff Writer  
August 3, 2008

On a sunny May afternoon, teenagers dismissed from a Beverly Hills middle school gathered outside a restaurant four blocks away and gossiped about their friends.

Amid lots of giggling, the conversation among the eighth-graders touched on the prom and limousines but was dominated by an unflattering assessment of a girl at school, who was called a "spoiled brat" and a "slut."

"I don't hate her, it's just, I wouldn't prefer to hang out with her for a million years," one girl declared.

"She thinks she's so pretty, she's so spoiled," another stated.

What may have been just another typical middle school moment became a serious headache for school officials when one of the students uploaded the conversation as a video on YouTube.com. Because of the Internet posting, Beverly Vista School officials found themselves grappling with their responsibility to ensure a student's well-being and the ambiguous limits of their authority on the Web.

Citing "cyber-bullying" concerns, school administrators suspended for two days the student who uploaded the video, without disciplining others in the recording. The suspended student sued the school district in June in federal district court in Los Angeles, saying her free-speech rights were violated.

"The speech for which plaintiff was punished was not 'student speech' at all and cannot be regulated or controlled by defendants," attorneys wrote in the suit.

Sarah Kaatz, a Monterey, Calif.-based attorney who represents and counsels school districts, said she receives two or three queries a month from confused and frustrated school administrators seeking legal advice on such matters.

"School districts are between a rock and a hard place on this issue," Kaatz said.

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In an Idaho case, for example, parents sued a school district over its failure to intervene in their daughter's harassment, which included, among other things, spreading photos and rumors on the Internet about the girl's sexual orientation. The court sided with the school, saying officials did not have "substantial control" over the dissemination of the photos.

As computer, video and cellphone use among students has increased in recent years, so have allegations of cyber-bullying.

According to a survey released last year by the Pew Internet and American Life Project, one in three teenagers who use the Internet said they have experienced some form of online harassment. Some experts have even called it a public health concern, with the Centers for Disease Control and Prevention funding research on electronic aggression among young people.

The "classic situation" that many school districts face, Kaatz said, is teenagers using MySpace.com from their home computers to start a negative campaign against a fellow student, posting nasty comments, starting rumors or creating a fake profile page for the victim to spread false information.

One of the most notorious cases of alleged cyber-bullying occurred in Missouri and led a 13-year-old girl to commit suicide. In that case, however, the alleged tormentor was not another student but the mother of one who was posing as a 16-year-old boy, authorities said. Federal prosecutors in Los Angeles earlier this year filed criminal charges against the woman, Lori Drew, for using the Beverly Hills-based MySpace site "to inflict emotional distress" on the girl, causing her death.

In cases involving students, experts say, many of the conflicts are not much different than youngsters simply calling one another names outside school.

But the Web has catapulted such fights to a new dimension, where slander becomes far more public and can be forwarded and reproduced in a matter of seconds.

Tom Hutton, legal counsel for the National School Boards Assn., said courts have generally held school officials to "very high standards" of proof in demonstrating whether they had a reason to assert their authority outside school.

He said school officials "have to make a snap decision at times. . . . That's a very tricky calculus to make."

In the Beverly Vista case, in which attorneys for both sides are in the stage of filing motions, the friends had been out of school for about two hours when they talked about another girl at school,

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directing some profanity at the girl but making no threats. The girl who recorded that conversation on her personal digital camera posted it on YouTube that evening.

The video was viewed by about 20 people, including the girl who was talked about in the recording, according to the lawsuit. In an Instant Messenger chat, that girl told the one who posted the video to "keep it up for now," court papers allege.

The next day, the girl and her mother went to the school's administrative office. School officials summoned the student responsible for posting the video and demanded that she delete the video on the spot, saying she had humiliated the girl who was talked about, according to court documents.

Assistant Principal Cherryne Lue-sang, who is named in the suit as a defendant, suspended the student for two days. None of the other teenagers in the video was disciplined.

Evan Cohen, attorney for the plaintiff, said school officials overstepped their authority in getting involved. The YouTube video was not "student speech" because it happened off campus, attorneys wrote in the suit, which asks for monetary damages from the school officials and that the student's disciplinary record be expunged.

"Unless there's substantial disruption of school business, it's none of their business," Cohen said.

Amy Lambert, director of pupil and special services for the Beverly Hills Unified School District, said the suit is the first for her district involving cyber-bullying.

She declined to discuss the lawsuit but said headaches involving sites such as YouTube are plaguing schools all around Los Angeles. Posting on the Internet has become the modern equivalent of students marking up school walls, only far more public and potentially damaging, she said.

"Something derogatory, bullying-like or hateful or sexually abusive -- anything you remember from your childhood -- is now being posted on the Internet," Lambert said.

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